

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER

☐

DATE

October 09, 2019

MOTOR CARRIER MATTER

☐

DOCKET NO.

2019-260-E

UTILITIES MATTER

☒

ORDER NO.

2019-725

THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.

SUBJECT:

[DOCKET NO. 2019-260-E](#) - Charles Hawkins, Complainant/Petitioner v. Duke Energy Carolinas, LLC, Defendant/Respondent - Staff Presents for Commission Consideration Charles Hawkins' Petition for Rehearing or Reconsideration.

COMMISSION ACTION:

As mentioned in Order No. 2019-652 that dismissed Mr. Hawkins's most recent complaint in his latest docket, this is the fourth complaint that he has filed in approximately the last twelve months.

In his first complaint on August 6, 2018 in Docket No. 2018-258-E, Mr. Hawkins was scheduled for disconnection and requested a payment plan after stating that his wife was having health issues. He also requested that the meter be checked for accuracy. This complaint was dismissed by Order No. 2018-646, stating that Duke Energy submitted sworn testimony that tests have confirmed the meter was accurate and that it has made above and beyond efforts to work with Mr. Hawkins to maintain his electric service at his home. However, he had been unable to make adequate progress toward paying his account, which has been long in arrears.

On February 20, 2019 in Docket No. 2019-74-E, Mr. Hawkins filed his second complaint stating that in order to receive help paying his bill from a local aid agency he would have to be placed at the "head of the bill" instead of his wife, but Duke had refused. He also submitted an email that provided the death certificate of his daughter, who had recently died in a tragic way, stating that he had advised Duke of her death and had to get assistance from churches and family members to assist with the cost of her death. After the Commission's Hearing Examiner in this docket instructed Duke to contact the aid agency by Order No. 2019-49-H(A) to determine the requirement regarding aid to the primary account holder, Duke responded that it reached out to Sunbelt Human Advancement Resources (SHARE), which administers the Low-Income Home Energy Assistance Program (LIHEAP) referenced by Mr. Hawkins. In Duke's report required by the Order, it states the SHARE representative was familiar with Mr. Hawkins's previous contact with the agency and advised that the account holder status on the electricity account has no bearing on whether an applicant receives aid. I note that Mr. Hawkins never responded about the account status. This complaint was ultimately dismissed on May 1, 2019 by Order No. 2019-319 because Mr. Hawkins had failed to allege any violation upon which relief could be granted.

On May 15, 2019 in Docket No. 2019-164-E, Mr. Hawkins filed his third complaint alleging that "Duke Energy didn't give enough time to complete task that was give during conference call needed for LIHEAP program." He also asserted that he wasn't informed about the date of disconnection for non-payment and requested more time for LIHEAP to assist with his bill.

In response to the allegation that not enough time was given to contact the aid agency, Duke references the 10-day response deadline to contact the aid agency that was set by Order No. 2019-49-H in the previous docket. This order was the result of a conference call that was initiated at the request and concern of the hearing examiner. As mentioned, Mr. Hawkins had failed to respond to the order.

In response to the allegation that he wasn't informed of impending disconnection, Duke stated that the company hung door hangers on the door of Mr. Hawkins' service address notifying him of the anticipated service disconnection on May 2, 2019 and on May 3, 2019. Moreover, Duke states that on telephone calls that occurred on May 7, 2019 and May 10, 2019, Mr. Hawkins affirmed that he had received the door hangers. Service was disconnected on May 13, 2019 but was subsequently restored prior to June 4, 2019 after a payment.

Ultimately, the complaint in Docket No. 2019-164-E was dismissed on June 19, 2019 by Order No. 2019-449. The Order stated that Mr. Hawkins had alleged no violation of Commission rule or statute. It further stated that Mr. Hawkins had not responded to Duke Energy Carolinas' Motion to Dismiss, filed on June 4, 2019. Additionally, the order recognized that the verified testimony of Pam Howze, a consumer affairs analyst with Duke, had stated that power has been restored to his residence following a payment and an agreement for a new payment plan.

On July 29, 2019 in the current docket, Mr. Hawkins filed his most recent complaint requesting that the Commission replace his Duke account representative, alleging that his payment plan terms had been improperly changed, stating that his account representative was aware that LIHEAP would not provide assistance, and requesting a new payment arrangement. This complaint was dismissed on September 11, 2019 by Order No. 2019-652 holding that Mr. Hawkins failed to specify any violation of Commission rule or regulation by the utility upon which relief can be granted, and his request for a "payment arrangement" had already been provided numerous times over the past year.

On September 13, 2019, Mr. Hawkins sent an email to the parties and the hearing examiner requesting rehearing of Order No. 2019-652 to afford him "the opportunity to submit the needed documentation to support the complaint."

In Mr. Hawkins's latest response to Duke Energy Carolinas, he references events going back to May, which appear to pertain to an earlier complaint in Docket No. 2019-164-E that has since been dismissed. Those comments regarding the times of disconnection and reconnection of service have no bearing on the present complaint and are not material to the current outstanding request for reconsideration that Mr. Hawkins filed on September 17, 2019 in this docket.

For the first time in this docket, Complainant now also alleges that the Company failed to comply with Commission Regulation 103-339 when assessing a deposit, and that the Company did not comply with Commission Regulation "103-352(c)(d)" and (g).

Aside from the impropriety of raising these arguments only upon reconsideration, Regulations 103-352 (c) and (d) concern arrangements for deferred payment plans and a mandate that electric utilities advise customers about local social service agencies that may be able to provide assistance. Regulation 103-352(g) concerns the termination of electric service, and Regulation 103-339 concerns customer billing. Based on the content of those regulations and the conclusory or non-responsive nature of Complainant's allegations, I move we find and conclude that none of the alleged violations of these regulations have merit. Specifically, Complainant has failed to show any violation of the regulations regarding payment plans and access to social service agencies, namely 103-352(c) and (d); in fact, Complainant has clearly already been aware of and worked with social service agencies who have communicated with Duke in regard to his arrearages. Commission Regulation 103-339 does not address deposits, and the Commission has already found that Complainant's claims as to termination dates under Regulation 103-352(g) are not supported by the evidence submitted.

As noted, three previous complaints by Mr. Hawkins have been filed, his latest complaint failed to specify any violation of Commission rule or regulation by the utility upon which relief can be granted, and his original request in this docket for a "payment arrangement" has already been provided numerous times over the past year, which included at least one discussion with an aid agency. Furthermore, although it appears a partial payment was made on or before June 4, 2019, considering all of Mr. Hawkins's payment arrangements, it is difficult to determine when the last time his bill was fully paid.

Given the history of Mr. Hawkins's complaints and the most recent complaint's lack of merit, I move that we deny the Petition for Reconsideration.

PRESIDING: Randall

SESSION: Regular

TIME: 2:00 p.m.

| | MOTION | YES | NO | OTHER |
|-----------|-------------------------------------|-------------------------------------|--------------------------|-------|
| BELSER | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| ERVIN | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| HAMILTON | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| HOWARD | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| RANDALL | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| WHITFIELD | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| WILLIAMS | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

(SEAL)

RECORDED BY: J. Schmieding

